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July 26, 2021

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OF COUNSEL: RAYMOND SAYEG

VIA EMAIL

Christian Klein, Chairperson
Arlington Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476

Re: 1165R Massachusetts Avenue, Arlington, MA

Dear Chairperson Klein:

I thought it best to provide the Board with a detailed explanation of the efforts that 1165R Mass MA Property, LLC (hereinafter referred to as the “”Applicant”) has taken and continues to take to address the utility pole that has been in the Massachusetts Avenue right of away of 1165R Massachusetts Avenue for over fifty (50) years (hereinafter referred to as the “Pole” and “ROW”).

In early 2020, approximately a year before filing its comprehensive permit, Bohler Engineering, the Applicant’s site civil engineer, entered discussions with both Eversource and Verizon on the issue of the Pole, including the type of service provided from the Pole, the various configuration of services from the Pole, which properties were served by the Pole and options for relocating the respective services.

The initial engagement from the utility companies was very limited and we were unable to obtain the requisite answer. To better advance this work, in the summer of 2020, six months prior to filing the comprehensive permit application, the Applicant retained ICO Energy and Engineering, Inc. of Boston, MA, a professional firm that provides, among other services, utility procurement and coordination services. ICO was hired as the Applicant’s utility services consultant to, among other things, address the Pole.

The Applicant and the appropriate project team members met with both Verizon and Eversource at the project site to discuss various matters including the relocation of the Pole. ICO and the Applicant have had a number of meetings with the utilities, which included the issue of the Pole in the ROW.

Eversource directed the Applicant to provide the electrical service for the project off Ryder Street not Massachusetts Avenue. The project as well as the WorkBar property will be serviced by the electrical service on Ryder Street.

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In the course of discussions concerning the removal and relocation of the Pole, the Applicant learned that the relocation of the Pole was extremely complex, presented issues as to grandfathering of wires (the wires cross the Mirak Hyundai property, which the utility companies no longer permit) and was very costly.

The properties that would be serviced by the Pole are 1171 Massachusetts Avenue – Mr. Annesse's property, 1165 Massachusetts Avenue – Mirak Hyundai, Quinn Road – Arlington Auto Detailing and Quinn Road – Mirak Truck Center. The service to these businesses is complex, with a variety of phasings and types, and does not meet current standards. By way of example, Mr. Annesse's building is served with 120/240V. Mirak Hyundai is served with 120/208V. Arlington Auto Detailing and Mirak Truck Center are each served with a 120/240V single-phase service and a 240V three-phase service.

Further, the overhead wires that cross the Mirak Hyundai parking area to the Pole cross over the parking field of Mirak Hyundai, which Eversource has repeatedly told Bohler Engineering and ICO is not allowed with updated service. The Applicant has also learned in this process that there exist no easements for the utility companies for these lines.

The existing service from the Pole is safe and has been supported by the utility companies.

Mr. Annesse has suggested that the Applicant bury the service for these four businesses. The costs associated with burying the service ranges from \$300,000-\$500,000 and depends upon the extent of the work. Burying the service would also require changing the electrical panels and services within the four buildings. The easements alone for such a change would be a significant expense and would require consent from all four businesses and the work would result in a significant service disruption for the businesses. Moreover, this added expense, which is not necessitated by the project, since the utilities for the project will be off of Ryder Street, would make the project uneconomical.

Patrick Nihan of ICO continues to work with Eversource with regard to moving the Pole to the edge of the ROW, which would widen that one area in the ROW from 14' 11" to approximately 18'. The Applicant is also engaged in negotiations with Mirak Hyundai concerning relocating the Pole to the grassy strip next to the ROW on the Mirak Hyundai property. Mr. Mills had suggested this approach at the June 15, 2021 hearing. In fact, the Applicant had previously commenced such discussions. The Applicant had broached the subject with Mr. Annesse, who has told the Applicant and the Board that he does not want the Pole on his property.

Mr. Nihan has had some recent discussions indicating that Eversource may acquiesce in moving the Pole provided certain conditions are satisfied, including the provision of an easement from Mirak Hyundai for the wires crossing over its parking field. However, there has been no definite determination on this issue as of yet from the utility or agreement by Mirak Hyundai.

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The characterization that the Applicant has not done anything to address this issue is categorically untrue. Moreover, I would respectfully suggest that the Applicant throughout this proceeding has been responsive to the suggestions of the Board, its consultant BETA and all town departments.

I thank the Board for its consideration and time.

Very truly yours,

Mary Winstanley O'Connor

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